IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

WP(C).No. 24741 of 2007(U)

PETITIONER:

M.A.NAZAR, AGED 50 YEARS,
SON OF M.P.ABDUL KHADER, "MANADATH" DESOM,
ALUVA-683 103.

BY ADV. SRI.P.B.SAHASRANAMAN
SRI.K.JAGADEESH
SRI.T.S.HARIKUMAR

RESPONDENT:

CHENGAMANAD GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, OFFICE OF THE
CHENGAMANAD GRAMA PANCHAYAT, PUTHUVASSERY,
NEDUMBASSERY P.O., ERNAKULAM.

BY ADV. SHRI C. M. SURESH BABU.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 24741 OF 2007 U

Dated this the 17th August, 2007

JUDGMENT

Petitioner challenges Ext.P6. I heard the learned counsel for the petitioner and the learned counsel appearing for the respondent Panchayat. Counsel for the respondent Panchayat points out that Ext.P6 is appealable before the Panchayat Committee under Section 276 of the Kerala Panchayat Raj Act, 1994. In such circumstances, I feel that the petitioner should be relegated to the pursuit of the appellate remedy. Accordingly, the Writ Petition is disposed of relegating the petitioner to prefer Appeal under Section 276 of the Act before the Panchayat Committee within the period of limitation. The direction in Ext.P6 to demolish the disputed structure will be kept in abeyance till a decision is taken. A decision will be taken in accordance with law, after hearing the petitioner, within a period of one month from the date of filing of the Appeal. It is open to

the respondent Panchayat to stop any construction, if the petitioner makes any construction, which is illegal.

K. M. JOSEPH, JUDGE

kbk.